



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER OF  
PATENTS AND TRADEMARKS  
Washington, D.C. 20231

FMH.9

Paper No. 16

JONATHAN ALAN QUINE  
TOWNSEND AND TOWNSEND AND CREW LLP  
TWO EMBARCADERO CENTER, 8TH FLOOR  
SAN FRANCISCO, CA 94111-3484

**COPY MAILED**

**SEP 30 1997**

**OFFICE OF PETITIONS  
A/C PATENTS**

In re Application of	:	
Steven N. Buhl et al	:	
Application No. 08/466,155	:	ON PETITION
Filed: June 6, 1995	:	
Attorney Docket No. 12898-000711	:	

This is a decision on the petition under 37 CFR 1.137(b), filed June 13, 1997, which, for the reasons stated below, is being treated as a petition requesting withdrawal of the holding of abandonment.

The petition is GRANTED.

This application was held abandoned for failure to timely respond to the nonfinal Office action mailed October 10, 1996, which set a three month shortened statutory period for filing a response.

The holding of abandonment was improper since a response was in fact received on February 28, 1997. This response, including a request for a two month extension of time, was stapled behind the Information Disclosure Statement and placed in the file without being noted by Patent and Trademark Office personnel. Since the response was timely filed, the holding of abandonment is hereby withdrawn and the application restored to pending status.

The \$645 petition fee charged to petitioner's deposit account will be credited in due course.

The Office sincerely apologizes for the inconvenience caused petitioner in this matter.

This application is being forwarded to Group 1300 for appropriate action on the response received February 28, 1997.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 305-8680.

A handwritten signature in cursive script, appearing to read "Frances Hicks".

Frances Hicks

Petitions Examiner

Office of Petitions

Office of the Deputy Assistant Commissioner  
for Patent Policy and Projects